

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JOHN C. OTTEN,

Plaintiff,

vs.

HOME COMING FINANCIAL
MORTGAGE; NAVY FEDERAL CREDIT
UNION, WORLD SAVINGS,

Defendants.

CASE NO. 08cv0254 JM(JMA)

ORDER GRANTING MOTION TO
DISMISS; GRANTING LEAVE TO
AMEND

Defendant World Saving Bank F.S.B. (currently known as Wachovia Mortgage F.S.B.) (“Wachovia”) moves to dismiss Plaintiff’s complaint or, alternatively, for a more definite statement. Plaintiff did not file an opposition nor a statement of non-opposition as required by Local Rule 7.1(e)(2). Defendants Home Coming Financial Mortgage and Navy Federal Credit Union have not responded to the motion. Pursuant to Local Rule 7.1(d)(1) this matter is appropriate for decision without oral argument.


Plaintiff commenced this action on February 11, 2008 by filing a document entitled “Complaint for Action of Quiet Title FRCP.” Plaintiff generally alleges that Defendants violated Regulation Z and the Truth in Lending Act, the Security and Exchange Commission Act of 1933 and 1934, the International Protocol/Treaty on International Bills of Exchange and International Promissory Notes, the Universal Declaration of Human Rights, and, apparently, the common law of England. (Compl.

1 at pp. 7, 8, 9). It is unclear whether Plaintiff also seeks to allege a criminal claim
2 against Defendants. The factual basis for these claims is not readily ascertainable from
3 the complaint's allegations. Consequently, Defendants are unable to adequately prepare
4 a response to the complaint. See Lee v. city of Los Angeles, 250 F.3d 668, 679-80 (9th
5 Cir. 2001).

6 In sum, the court dismisses the complaint for failure to state a claim and for
7 failure to provide a short and plain statement of his claim pursuant to Fed.R.Civ.P. 8(a).
8 As leave to amend is to be freely given, Fed.R.Civ.P. 15, the court grants Plaintiff 20
9 days leave to amend from the date of entry of this order.

10 **IT IS SO ORDERED.**

11 DATED: April 10, 2008

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13 Hon. Jeffrey T. Miller
14 United States District Judge

15 cc: All parties
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